

Colorado House Bill 1304 wrongly gives unemployment benefits to unions members in defensive-lockout situations.

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If a company locks out a union when a labor contract expires, then the workers who lose their wages deserve unemployment compensation.

After all, they weren't responsible for the hardball tactics.

Under Colorado law, they'll get those benefits, too.

By contrast, if a union takes the initiative to go on strike, its members will not receive unemployment benefits because the loss of wages was their choice.

Neither of those state policies is controversial.

But what about a third scenario in which a union that represents workers across an industry strikes one company in order to put pressure on all, and a second company responds by locking out its workers?

Should they receive unemployment benefits?

A number of Democratic state lawmakers think they should, and are sponsoring House Bill 1304 to change the law so they will. But we think their reasoning is flawed.

In the third scenario, as in the second, it's the union that initiated the strike action and chose to have its members forgo wages until the labor dispute is resolved. Moreover, it's no secret that the target of the strike includes every company whose workers are covered by identical or similar labor contracts, not just the firm where union members actually walk off their jobs.

This is not a theoretical exercise. For example, in 1996, the United Food and Commercial Workers Union Local 7 went on strike against King Soopers but not Safeway, even though Safeway's workers belonged to the same union whose contract had expired. A day later, Safeway locked out its workers.

So-called defensive lockouts may be rare, but the principle behind denying unemployment benefits to the workers involved is fair. If they're entitled to unemployment benefits, then the state has essentially taken sides in a labor dispute — not to mention provided an incentive for unions to threaten strikes in the first place.

As we noted in 2009 when a similar bill passed the legislature and was vetoed by Gov. Bill Ritter, unemployment benefits are supposed to go to those who through no fault of their own do not have a job. Yet that's not the case in a strike or in a defensive lockout.

Unfortunately, HB 1304 has already cruised through the House and is scheduled Monday for its first hearing in the Senate. So a veto may be the only way to stop it, too.